



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors:

Isamu YOSHII, et al.

Application No.:

10/516,365

Filed:

December 1, 2004

For:

APPARATUS AND METHOD FOR DETERMINING TRANSMIT POWER

## INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents Washington, DC 20231

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. Copies of the art cited in the International Search Report (ISR), which issued by the JPO, are made available to the U.S. examiner in the national stage application, pursuant to MPEP 1893.03(g), and therefore copies of such art are not submitted herewith. The art cited in the ISR is listed on the attached PTO-1449 for an indication of consideration by the examiner. Copies of any other references listed on the PTO-1449, besides those cited in the ISR, are submitted herewith. The 3GPP article is discussed in the present application on page 1, line 14 et seq.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see <u>Beckman Instruments</u>, <u>Inc. v. Chemtronics</u>, <u>Inc.</u>, 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106.

Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,

Registration No. 28,732

JEL/ejw

ATTORNEY DOCKET NO. L9289.04175

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Date: March 8, 2005

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FORM PTO-1449 U.S. Department of Corporation Patent and Trademark INFORMATION DISCLOSURE STATEMENT BY APPLICANT

ATTY. DOCKET NO.

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(Use several sheets if necessary)

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Yasuhiro ADACHI

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**EXAMINER** 

DATE CONSIDERED

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.